

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**YETI Coolers, LLC,**

**Plaintiff,**

**v.**

**Mercatalyst, Inc., TerraCycle US, LLC,  
Akshar Plastic, Inc., Devang H. Patel, Oscar  
Guel, Robert N. Rezak, Global Xcessories,  
Inc., and Daniel Gavrielov,**

**Defendants.**

**Case No. 1:22-cv-1337-DAE**

**Jury Trial Demanded**

**Mercatalyst, Inc.,**

**Third-Party Plaintiff,**

**v.**

**United National Closeout Stores, Inc.,**

**Third-Party Defendant.**

**PLAINTIFF YETI COOLERS, LLC'S MOTION FOR ENTRY OF FINAL  
JUDGMENT AS TO DEFENDANT OSCAR GUEL**

Plaintiff YETI Coolers, LLC (“YETI”), respectfully files this motion for entry of a final judgment as to Defendant Oscar Guel (“Guel”). YETI brought its initial complaint in this action on December 21, 2022 (Doc. 1). YETI filed its Amended Complaint on April 27, 2023 (Doc. 29). Defendant Oscar Guel has not entered an appearance, despite YETI’s accomplishment of service.

YETI filed its motion for default judgment with respect to Defendant Oscar Guel on June 29, 2023. Magistrate Judge Hightower issued her Report and Recommendation (“Report”) on January 24, 2024, granting in part YETI’s motion for default judgment. Guel did not object to the findings and recommendations made by Judge Hightower.

On March 21, 2024, the Court issued its order adopting in part and vacating in part Judge's Hightower's Report ("Order"). The Court entered judgment in favor of YETI against Guel on YETI's claims for trademark infringement under 15 U.S.C. § 1114, false designation of origin under 15 U.S.C. § 1125(a)(1), and unfair competition under Texas common law. The Court also granted YEYI's request for entry of a permanent injunction. Finally, the Court ordered Guel to disgorge \$124,200.80 of the estimated profits pursuant to 15 U.S.C. § 1117(a) and return all YETI-branded goods in his possession, custody, or control.

YETI therefore respectfully requests that the Court enter the proposed Final Judgment against Oscar Guel attached to this motion as a proposed order.

Date: April 24, 2024

Respectfully submitted,

SHEARMAN & STERLING LLP

/s/ David P. Whittlesey

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*Attorneys for Plaintiff YETI Coolers LLC*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on April 24, 2024, the foregoing was served on all counsel of record in compliance with the Federal Rules of Civil Procedure.

*/s/ David P. Whittlesey*  
David P. Whittlesey